

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

MITCHELL A. BURTON,

Plaintiff,

v.

JONATHON GRAY, et al.,

Defendants.

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CAUSE NO. 3:11-CV-26

OPINION AND ORDER

Before the Court in this action advancing various civil rights claims under 42 U.S.C. § 1983 is a motion to compel filed on February 24, 2012, by *pro se* Plaintiff Mitchell Burton. (Docket # 84.) Burton in his two-paragraph motion states that he seeks “responses to interrogatories propounded upon Defendants Jonathan Gray and Andrew Witt” (Mot. to Compel 1), but never identifies with any particularity what information he seeks. Consequently, the Court is unable to definitively discern which of Defendants’ interrogatories Burton thinks are inadequate. *See, e.g., Morris v. Ley*, No. 05 C-0458, 2006 WL 2585029, at *2 (E.D. Wis. Sep. 7, 2006) (denying *pro se* plaintiff’s motion to compel because it was “nearly impossible to ascertain which documents the plaintiff seeks to have produced”).

Furthermore, discovery closed on January 30, 2012. Although “[t]he Federal Rules of Civil Procedure place no time limit on the outside date for the filing of a motion to compel discovery, . . . motions to compel filed after the close of discovery generally are deemed untimely.” *Vision Ctr. Nw., Inc. v. Vision Value, LLC*, No. 3:07-CV-183RM, 2008 WL 5191456, at *3 (N.D. Ind. Dec. 10, 2008) (citing *Packman v. Chicago Tribune Co.*, 267 F.3d 628, 647 (7th Cir. 2001); *Rossetto v. Pabst Brewing Co.*, 217 F.3d 539, 542 (7th Cir. 2000)). Moreover,

Burton makes no effort to explain the reason for his undue delay in filing the motion to compel.

See Banks v. CBOCS West, Inc., No. 01 C 0795, 2004 WL 723767, at *1 (N.D. Ill. Apr. 1, 2004)

(citation omitted) (“As a general rule, if a moving party has unduly delayed in filing a motion for an order compelling discovery, a court may conclude that the motion is untimely.”).

Consequently, Burton’s motion to compel (Docket # 84) is DENIED.

SO ORDERED.

Enter for this 27th day of February, 2012.

/S/ Roger B. Cosbey
Roger B. Cosbey,
United States Magistrate Judge